

RUNE et al
Serial No. 09/812,937

Atty Dkt: 2380-228
Art Unit: 2665

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Cancel claims 46, 47, 51-68, 72-90 without prejudice or disclaimer.
2. Rewrite claims 48-50, 69-71 as independent claims.
3. Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

Claims 46-48, 51-53, 56-58, 61-63, 66-69, 72-74, 77-79, 82-84 and 87 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent 6,456,826 to Toskala et al. All prior art rejections are respectfully traversed for at least the following reasons.

Claims 49-50 and 70-71 were indicated as having allowable subject matter. Therefore, rewriting of claims 49-50 and 70-71 as independent claims renders claims 49-50 and 70-71 allowable.

Claims 48 and 69, like the other rewritten claims, refer to "control parameters" for an "in-and-out-of-synchronization detection algorithm" for soft handover. Examples of such control parameters are provided in Applicant's Table 1 (see page 12 of specification). The claimed control parameters refer to quantities indicated by counters or time-out values.

Toskala monitors for and determines if an existing link calls for increased power and, if so, increases power. Toskala's increasing power does not teach taking a largest value of a cell based parameter. For example, power can be increased without

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necessarily using a largest power level. Moreover, power level is not the type of quantity encompassed by a control parameter or cell based parameter. Toskala does not refer to an "in-and-out-of- synchronization detection algorithm" for soft handover, so there is no suggestion that any choice of a parameter by Toskala would be for an "in-and-out-of- synchronization detection algorithm" for soft handover.

Because the parameters in the claimed invention are not relevantly related to the power level in Toskala, the claimed invention is not unpatentable over Toskala.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

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